

# **EXHIBIT 1**

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**From:** aesnedeker@duanemorris.com  
**Sent:** Friday, May 15, 2020 3:34 PM  
**To:** Megan Chacon  
**Cc:** FR-Service\_Finjan-Cisco; wjameson@duanemorris.com; mcgaudet@duanemorris.com; rlmcgrath@duanemorris.com; japowers@duanemorris.com; dcdotson@duanemorris.com; JRGibson@duanemorris.com; jmgunther@duanemorris.com; jhforte@duanemorris.com; negrigg@duanemorris.com; Joshua, Aquanis M.  
**Subject:** Re: Finjan v. Cisco (5:17-00072): Exhibit List Supplementation and Pre-Marked Exhibit Exchange

Megan,

Cisco will not oppose Finjan's motion for expedited consideration under LR 6-3 and understands the motion will not shorten Cisco's time to respond.

Alice Snedeker  
Duane Morris LLP  
404-253-6989

On May 15, 2020, at 3:49 PM, Megan Chacon <chacon@fr.com> wrote:

Alice,

Thank you for confirmation of Cisco's position. We understand Cisco will not agree to the proposed mutual supplementation or Finjan's supplementation alone. We take Cisco's response as further confirmation that it will oppose Finjan's motion. Since the meet and confer, Finjan has further streamlined its supplement to its exhibit list, as well as removed duplicate documents and documents previously identified in relation with Dr. Goodrich. Below is a list of Finjan's exhibit numbers that have been removed by de-duping.

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In addition to filing its motion for leave, Finjan also intends to file a motion pursuant to L.R. 6-3(a)(4) requesting a shortened time for the Court to hear Finjan's motion prior to the June 22, 2020 trial date. Finjan's motion will not seek to shorten the time for Cisco to file its response. Please let us know whether Cisco will oppose this motion. We are happy to meet and confer further this afternoon if Cisco has any questions or concerns regarding Finjan's intended motion pursuant to L.R. 6-3(a)(4).

Best regards,  
Megan

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**From:** aesnedeker@duanemorris.com <aesnedeker@duanemorris.com>  
**Sent:** Friday, May 15, 2020 7:10 AM  
**To:** FR-Service\_Finjan-Cisco <FR-Service\_Finjan-Cisco@fr.com>  
**Cc:** wjameson@duanemorris.com; mcgaudet@duanemorris.com; rlmcgrath@duanemorris.com; japowers@duanemorris.com; dcdotson@duanemorris.com; JRGibson@duanemorris.com; jmgunther@duanemorris.com; jhforte@duanemorris.com; negrigg@duanemorris.com; Joshua, Aquanis M. <AMJoshua@duanemorris.com>  
**Subject:** RE: Finjan v. Cisco (5:17-00072): Exhibit List Supplementation and Pre-Marked Exhibit Exchange

Megan,

After discussing Finjan's proposal, Cisco cannot agree to a mutual supplementation of the parties' exhibits lists. Cisco does not require such supplementation, and further, Cisco cannot agree to Finjan adding, after the Court's deadlines, what you estimated to be approximately 50 documents of various categories. While we understand you are new to the case, Finjan and its prior counsel were not, when the parties were exchanging and objecting to exhibit lists as a part of the pretrial process, and they provided an exhibit list with over 1,000 documents.

We'll follow up shortly about the joint exhibit list.

Thank you,

**Alice E. Snedeker**  
Associate

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**From:** Megan Chacon <[chacon@fr.com](mailto:chacon@fr.com)>  
**Sent:** Wednesday, May 13, 2020 3:21 PM  
**To:** Snedeker, Alice <[AESnedeker@duanemorris.com](mailto:AESnedeker@duanemorris.com)>; Jameson, Woody <[WJameson@duanemorris.com](mailto:WJameson@duanemorris.com)>; Gaudet, Matthew C. <[MCGaudet@duanemorris.com](mailto:MCGaudet@duanemorris.com)>; McGrath, Robin <[RLMcGrath@duanemorris.com](mailto:RLMcGrath@duanemorris.com)>; Powers, Joseph A. <[JAPowers@duanemorris.com](mailto:JAPowers@duanemorris.com)>; Dotson, David C. <[DCDotson@duanemorris.com](mailto:DCDotson@duanemorris.com)>; Gibson, John R. <[JRGibson@duanemorris.com](mailto:JRGibson@duanemorris.com)>; Gunther, Jarrad M. <[JMGunther@duanemorris.com](mailto:JMGunther@duanemorris.com)>; Forte, Jennifer H. <[JHForte@duanemorris.com](mailto:JHForte@duanemorris.com)>; Grigg, Nicole E. <[NEGrigg@duanemorris.com](mailto:NEGrigg@duanemorris.com)>; Joshua, Aquanis M. <[AMJoshua@duanemorris.com](mailto:AMJoshua@duanemorris.com)>  
**Cc:** FR-Service\_Finjan-Cisco <[FR-Service\\_Finjan-Cisco@fr.com](mailto:FR-Service_Finjan-Cisco@fr.com)>  
**Subject:** RE: Finjan v. Cisco (5:17-00072): Exhibit List Supplementation and Pre-Marked Exhibit Exchange

Alice,

Thank you for the meet and confer yesterday afternoon. As discussed, Finjan proposes a reasonable supplementation to exhibit lists given we are currently more than 5 weeks out from our new trial date. Finjan is open to a mutual supplementation by Cisco and is willing to coordinate with Cisco to ensure the parties complete any objections and file the supplemental exhibit lists well in advance of trial. We understand you are discussing this proposal with your team and Cisco. We further understand you will provide Cisco's final position on this matter by the end of the week. As we discussed during the

meet and confer, if Cisco will not agree to Finjan's supplementation proposal, we intend to file a motion for leave to supplement Finjan's exhibit list with the Court on Friday. We would appreciate Cisco's effort to provide its final position before then.

With respect to our discussion regarding the joint exhibit list, we understand both parties are conferring internally to determine the scope of the joint exhibit list and will provide their respective positions soon for further discussion.

Best regards,  
Megan

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**From:** Megan Chacon  
**Sent:** Tuesday, May 12, 2020 11:15 AM  
**To:** [aesnedeker@duanemorris.com](mailto:aesnedeker@duanemorris.com); 'Jameson, Woody' <[WJameson@duanemorris.com](mailto:WJameson@duanemorris.com)>; [mcgaudet@duanemorris.com](mailto:mcgaudet@duanemorris.com); [rlmcgrath@duanemorris.com](mailto:rlmcgrath@duanemorris.com); [japowers@duanemorris.com](mailto:japowers@duanemorris.com); 'Dotson, David C.' <[DCDotson@duanemorris.com](mailto:DCDotson@duanemorris.com)>; [JRGibson@duanemorris.com](mailto:JRGibson@duanemorris.com); 'Gunther, Jarrad M.' <[JMGunther@duanemorris.com](mailto:JMGunther@duanemorris.com)>; 'Forte, Jennifer H.' <[JHForte@duanemorris.com](mailto:JHForte@duanemorris.com)>; 'Grigg, Nicole E.' <[NEGrigg@duanemorris.com](mailto:NEGrigg@duanemorris.com)>; 'Joshua, Aquanis M.' <[AMJoshua@duanemorris.com](mailto:AMJoshua@duanemorris.com)>  
**Cc:** FR-Service\_Finjan-Cisco <[FR-Service\\_Finjan-Cisco@fr.com](mailto:FR-Service_Finjan-Cisco@fr.com)>  
**Subject:** RE: Finjan v. Cisco (5:17-00072): Exhibit List Supplementation and Pre-Marked Exhibit Exchange

Alice,

In addition to discussing the proposed exhibit list supplementation during today's call, we would also like to revisit the parties' positions with respect to a joint exhibit list.

Best regards,  
Megan

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**From:** Megan Chacon  
**Sent:** Monday, May 11, 2020 4:54 PM  
**To:** [aesnedeker@duanemorris.com](mailto:aesnedeker@duanemorris.com); Jameson, Woody <[WJameson@duanemorris.com](mailto:WJameson@duanemorris.com)>; [mcgaudet@duanemorris.com](mailto:mcgaudet@duanemorris.com); [rlmcgrath@duanemorris.com](mailto:rlmcgrath@duanemorris.com); [japowers@duanemorris.com](mailto:japowers@duanemorris.com); Dotson, David C. <[DCDotson@duanemorris.com](mailto:DCDotson@duanemorris.com)>; [JRGibson@duanemorris.com](mailto:JRGibson@duanemorris.com); Gunther, Jarrad M. <[JMGunther@duanemorris.com](mailto:JMGunther@duanemorris.com)>; Forte, Jennifer H. <[JHForte@duanemorris.com](mailto:JHForte@duanemorris.com)>; Grigg, Nicole E. <[NEGrigg@duanemorris.com](mailto:NEGrigg@duanemorris.com)>; Joshua, Aquanis M. <[AMJoshua@duanemorris.com](mailto:AMJoshua@duanemorris.com)>  
**Cc:** FR-Service\_Finjan-Cisco <[FR-Service\\_Finjan-Cisco@fr.com](mailto:FR-Service_Finjan-Cisco@fr.com)>  
**Subject:** RE: Finjan v. Cisco (5:17-00072): Exhibit List Supplementation and Pre-Marked Exhibit Exchange

Thanks, Alice. Please use the following dial-in information for tomorrow's call:

US Toll Free 1-888-706-0584; Participant Code: 4493376

Best regards,  
Megan

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**From:** [aesnedeker@duanemorris.com](mailto:aesnedeker@duanemorris.com) <[aesnedeker@duanemorris.com](mailto:aesnedeker@duanemorris.com)>  
**Sent:** Monday, May 11, 2020 4:30 PM  
**To:** Megan Chacon <[chacon@fr.com](mailto:chacon@fr.com)>; Jameson, Woody <[WJameson@duanemorris.com](mailto:WJameson@duanemorris.com)>;  
[mcgaudet@duanemorris.com](mailto:mcgaudet@duanemorris.com); [rlmcgrath@duanemorris.com](mailto:rlmcgrath@duanemorris.com); [japowers@duanemorris.com](mailto:japowers@duanemorris.com); Dotson,  
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<[JMGunther@duanemorris.com](mailto:JMGunther@duanemorris.com)>; Forte, Jennifer H. <[JHForte@duanemorris.com](mailto:JHForte@duanemorris.com)>; Grigg, Nicole E.  
<[NEGrigg@duanemorris.com](mailto:NEGrigg@duanemorris.com)>; Joshua, Aquanis M. <[AMJoshua@duanemorris.com](mailto:AMJoshua@duanemorris.com)>  
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**Subject:** RE: Finjan v. Cisco (5:17-00072): Exhibit List Supplementation and Pre-Marked Exhibit Exchange

Megan – 1pm PST tomorrow works for Cisco.

Thank you for confirming the deadline.

**Alice E. Snedeker**  
Associate

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---

**From:** Megan Chacon <[chacon@fr.com](mailto:chacon@fr.com)>  
**Sent:** Monday, May 11, 2020 3:20 PM  
**To:** Snedeker, Alice <[AESnedeker@duanemorris.com](mailto:AESnedeker@duanemorris.com)>; Jameson, Woody  
<[WJameson@duanemorris.com](mailto:WJameson@duanemorris.com)>; Gaudet, Matthew C. <[MCGaudet@duanemorris.com](mailto:MCGaudet@duanemorris.com)>; McGrath,  
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Jarrad M. <[JMGunther@duanemorris.com](mailto:JMGunther@duanemorris.com)>; Forte, Jennifer H. <[JHForte@duanemorris.com](mailto:JHForte@duanemorris.com)>; Grigg,  
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**Subject:** RE: Finjan v. Cisco (5:17-00072): Exhibit List Supplementation and Pre-Marked Exhibit Exchange

Alice,

You are correct. My request was separate from the supplemented exhibit lists exchanged last Friday, May 8. We are happy to meet and confer to discuss the mutual supplementation Finjan proposes. We are available tomorrow afternoon between 12pm-3pm PST or after 4pm PST. Please let us know if a time in this window works for Cisco.

Regarding the deadline for trial briefs, we can confirm the same understanding that briefs will now be due June 15, 2020.

Best regards,  
Megan

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**From:** [aesnedeker@duanemorris.com](mailto:aesnedeker@duanemorris.com) <[aesnedeker@duanemorris.com](mailto:aesnedeker@duanemorris.com)>  
**Sent:** Friday, May 08, 2020 2:17 PM  
**To:** Megan Chacon <[chacon@fr.com](mailto:chacon@fr.com)>; Jameson, Woody <[WJameson@duanemorris.com](mailto:WJameson@duanemorris.com)>; [mcgaudet@duanemorris.com](mailto:mcgaudet@duanemorris.com); [rlmcgrath@duanemorris.com](mailto:rlmcgrath@duanemorris.com); [japowers@duanemorris.com](mailto:japowers@duanemorris.com); Dotson, David C. <[DCDotson@duanemorris.com](mailto:DCDotson@duanemorris.com)>; [JRGibson@duanemorris.com](mailto:JRGibson@duanemorris.com); Gunther, Jarrad M. <[JMGunther@duanemorris.com](mailto:JMGunther@duanemorris.com)>; Forte, Jennifer H. <[JHForte@duanemorris.com](mailto:JHForte@duanemorris.com)>; Grigg, Nicole E. <[NEGrigg@duanemorris.com](mailto:NEGrigg@duanemorris.com)>; Joshua, Aquanis M. <[AMJoshua@duanemorris.com](mailto:AMJoshua@duanemorris.com)>  
**Cc:** FR-Service\_Finjan-Cisco <[FR-Service\\_Finjan-Cisco@fr.com](mailto:FR-Service_Finjan-Cisco@fr.com)>  
**Subject:** RE: Finjan v. Cisco (5:17-00072): Exhibit List Supplementation and Pre-Marked Exhibit Exchange

**[Caution: This is an external email. Do not click links or open attachments unless you recognize the sender and know the content is safe.]**

Megan,

I understand the below request regarding the exhibit lists is separate from the supplemented exhibit lists being exchanged today under section VII(9) of the pretrial order. In light of that, Cisco does not agree to a broader supplementation, as proposed below, without further discussion or detail.

Cisco agrees the new deadline for the parties to exchange premarked trial exhibits is June 11, 2020.

Also, in light of the trial date being moved, we believe the deadline for trial briefs also moved, and that trial briefs are now due June 15. Can you please confirm Finjan calculates that as the new deadline?

Thank you,

**Alice E. Snedeker**  
Associate

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**From:** Megan Chacon <[chacon@fr.com](mailto:chacon@fr.com)>  
**Sent:** Thursday, May 7, 2020 6:11 PM  
**To:** Snedeker, Alice <[AESnedeker@duanemorris.com](mailto:AESnedeker@duanemorris.com)>; Jameson, Woody <[WJameson@duanemorris.com](mailto:WJameson@duanemorris.com)>; Gaudet, Matthew C. <[MCGaudet@duanemorris.com](mailto:MCGaudet@duanemorris.com)>; McGrath, Robin <[RLMcGrath@duanemorris.com](mailto:RLMcGrath@duanemorris.com)>; Powers, Joseph A. <[JAPowers@duanemorris.com](mailto:JAPowers@duanemorris.com)>; Dotson, David C. <[DCDotson@duanemorris.com](mailto:DCDotson@duanemorris.com)>; Gibson, John R. <[JRGibson@duanemorris.com](mailto:JRGibson@duanemorris.com)>; Gunther, Jarrad M. <[JMGunther@duanemorris.com](mailto:JMGunther@duanemorris.com)>; Forte, Jennifer H. <[JHForte@duanemorris.com](mailto:JHForte@duanemorris.com)>; Grigg, Nicole E. <[NEGrigg@duanemorris.com](mailto:NEGrigg@duanemorris.com)>; Joshua, Aquanis M. <[AMJoshua@duanemorris.com](mailto:AMJoshua@duanemorris.com)>



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Subject: Finjan v. Cisco (5:17-00072): Exhibit List Supplementation and Pre-Marked Exhibit Exchange

Counsel,

In light of the Court's order setting trial to begin on June 22 (Dkt. No. 595), Plaintiff proposes that the parties agree to a mutual, reasonable supplementation of their respective exhibit lists on Friday, May 15.

Plaintiff also proposes that the parties agree to push back the agreed upon date for exchange of pre-marked trial exhibits from May 21 to June 11.

Please let us know whether Cisco will agree to these proposals.

Best regards,  
Megan

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